

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

Case No.	CV 08-8154 CAS (AGRx)	Date	November 19, 2009
Title	<i>AMORETTE HUMPHREYS v. OCWEN LOAN SERVICING, LLC; ET AL.</i>		

Present: The Honorable	CHRISTINA A. SNYDER
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CATHERINE JEANG

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (In Chambers:) DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED COMPLAINT (10/22/09)**

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of November 23, 2009, is hereby vacated, and the matter is hereby taken under submission.

On October 8, 2008, plaintiff Amorette Humphreys sued Ocwen Loan Service, LLC and various unnamed defendants in Los Angeles Superior Court. On December 10, 2008, defendants removed the case to federal court. On March 23, 2009, plaintiff filed a first amended complaint against defendants Ocwen Loan Service, LLC ("Ocwen"), Encore Credit Corp., Fidelity National Title Company, Mortgage Electronic Registration Systems, Inc., and Does 1-20, alleging the following claims: (1) to set aside foreclosure sale; (2) quiet title; (3) promissory estoppel; (4) conversion; (5) negligent misrepresentation; (6) cancellation of instrument; and (7) violation of the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601.

On October 22, 2009, defendants Ocwen and MERS ("defendants") filed the instant motion to dismiss plaintiff's FAC. On November 16, 2009, plaintiff filed an opposition, wherein plaintiff "waives that cause of action for Violation of Truth in Lending Act (TILA) and respectfully requests that the action be remanded to Los Angeles Superior Court." Opp'n at 2. Because plaintiff has waived his sole federal claim, the Court hereby orders defendants to show cause on or before December 2, 2009, why this case should not be remanded to the Los Angeles County Superior Court.

IT IS SO ORDERED.

Initials of Preparer

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CMJ

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